

SENATOR DUIS: I, I wasn't heard the first time. I passed because of the amount of conversation, but more has been brought up here and I do sincerely believe this and I'm not saying that I know the answer to this, but we're having some conversation here of things that people do probably not understand and there are some figures being given out here that are probably not going to work out exactly as we think they would. Now, actually as far as I'm concerned right now, between these two bills, I'll probably vote against both of them and then they can start over from there. I think your problem right at the present time is you got two areas of thought regarding Workmen's Compensation Insurance in these two bills. I think the best situation would be to let them alone this year, have a little study given to this so that you can have one bill that will take and put both of these maybe under one bill. Now the problem that you actually have and Senator Syas brought this up with his home owner's policy. This is not anything that looks like Workmen's Compensation at all. The matter of slipping on the ice out there is a matter of negligence. There is a provision in the homeowner's policy that is real deceptive and that is they do allow you and give you \$500 medical payments and you can increase this if you so desire, that will pay those medical payments whether you are legally liable or not. That is just a part of the policy, that has nothing to do with the liability. When they desire to go above that amount, they must prove negligence on your part. I think probably one of the things that fools most all of us in the Workmen's Compensation Act of today is the fact that just a short time ago the employee was given the choice of whether or not he desired to come under the Workmen's Compensation Act and at that time if he made his choice not to come under the Workmen's Compensation Act, then he could go under the regular liability, that is the act of whether or not he desired to get from the act of negligence on the part of the employer. Now that has been erased from the books, Judge Novicoff tells me, this morning. Yesterday we thought it was on the books when I conferred with Senator Cavanaugh, but, rather Judge Novicoff tells me now that there is no liability on the part of the employee above Workmen's Compensation at the present time. Now this'll fool you a little bit too because in every Workmen's Compensation policy, a provision is provided in there for \$100,000 of employer's liability for the employer against the employee who might sue him, but according to Judge Novicoff, he can't sue him. Now, I don't know whether he can or not. I'm a little confused myself so here we go. And now we have two bills up here, both of them wanting to increase the amount of Workmen's Compensation and one of them different from the other in regard to additional benefits and so on and so forth. I heartily doubt sincerely if you're going to be able to combine the two of them together no matter how hard you try, but I only offer this as just a mere explanation and not whether anyone should be for or against these. I think probably what we have here is a technical question.

PRESIDENT: All right. Let's slip back now to 193, Senator Syas' bill and we do have the motion to indefinitely postpone. Let's take up that motion now at this time; so we're back on 193 and I believe that's Senator Kelly's motion, is it, to indefinitely postpone? Senator Kelly.

SENATOR KELLY: Mr. President and Members of the body. My colleague and dear friend, Senator Cavanaugh from the great City of Omaha, has asked my permission to withdraw my motion amendment at this time so that we could bracket L.B. 193 and bracket L.B. 342 so that he could do his utmost to bring L.B. 193 in compliance with 342 and under those conditions, I would postpone my motion until tomorrow.

PRESIDENT: Well, all right, Senator Kelly's asking to postpone his motion until tomorrow on 193--